

TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Application Number	09/729,288
Filing Date	December 4, 2000
First Named Inventor	Carpenter et al.
Group Art Unit	2875
Examiner Name	Thomas M. Sember
Attorney Docket Number	J-3129

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
☐ Fee Attached
☐ Amendment/ Response
☐ After Final
☐ Affidavits/declaration(s)
☐ Extension of Time Request
☐ Express Abandonment Request
☐ Information Disclosure Statement
☐ Certified Copy of Priority Document(s)
☐ Response to Missing Parts/ Incomplete Application
☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
☐ Drawing(s)
☐ Licensing-related Papers
☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition
☐ Petition to Convert to a Provisional Application
☐ Power of Attorney, Revocation Change of Correspondence Address
☐ Terminal Disclaimer
☐ Small Entity Statement
☐ Request for Refund

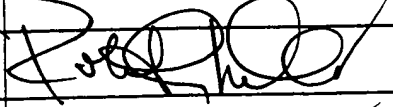
- ☐ After Allowance Communication to Group
☐ Appeal Communication to Board of Appeals and Interferences
☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
☐ Proprietary Information
☐ Status Letter
☒ Additional Enclosure(s) (please identify below):

Election In Response to Restriction and copy of Office Action Summary

Remarks

IF THERE ARE ANY CHARGES, PLEASE CHARGE TO OUR DEPOSIT ACCOUNT 10-0849.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

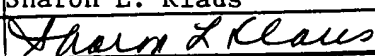
Firm or Individual name	Robert A. Miller S. C. Johnson & Son, Inc.
Signature	
Date	MAR 8, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: March 8, 2002

Typed or printed name Sharon L. Klaus

Signature



Date

March 8, 2002

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J-3129



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Sharon L. Klaus
SHARON L. KLAUS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Carpenter *et al.*

Serial No.: 09/729,288

Filed: 12/04/2000

Title: LUMINARY DEVICE DECORATED WITH COLOR CHANGING FILM

Group Art Unit: 2875

Examiner: THOMAS M. SEMBER

Assistant Commissioner Of Patents
Washington, D.C. 20231

Dear Sir:

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ELECTION

In response to the Restriction set forth in the Office Action of January 15, 2002, Applicants herewith submit an Election, without Traverse, as follows.

The Examiner's attention is directed to The Office Action Summary, copy enclosed, which indicates a shortened Statutory Period of 3 Months. Accordingly, it is believed that the present response is timely, and that no Abandonment of the Application due to failure to reply within 30 days (as is the conventional Statutory Period for Response to a Restriction Requirement) has occurred. No other indication of a Date for Reply is present in the Office Action.

Restriction has been required between Group I, Claims 1-8 drawn to a birefringement diffractive color changing film, classified in class 362, subclass 293; Group II, Claims 9-14 and 19-25 drawn to a multiple layered optical film, classified in class 428, subclass 212; and Group III, claims 15-18 drawn to a deodorizing optical film classified in class 362, subclass 96.

While not in agreement with the Examiner, Applicant hereby elects to prosecute the claims of Group I, claims 1-8, without traverse, so as to expedite prosecution of this application on the merits.

Claims 9-25 remain in the application pending the filing of an appropriate divisional application but are withdrawn from consideration in this application.

Applicant appreciates the examiner's reminder that upon the cancellation of claims to a non-elected invention the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application.

Wherefore in view of the above election, applicants believe that this application is in condition for allowance and respectfully request notice that all claims have been allowed.

Respectfully submitted,

Attorney for Applicants Carpenter *et al.*



Dated: March 8, 2002

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1525 Howe Street
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Office Action Summary

Application No.

09/729,288

Applicant(s)

Carpenter et al

Examiner

Thomas Sember

Art Unit

2875



MAR 18 2002

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 29, 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: